

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of November 12, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

### **Claim Rejections – 35 USC § 103**

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of Non-Patent Literature "Travellers Leave for Portugal After 24-Hour Wait for Plane," by Ingram (hereinafter Ingram), and in further view of Non-Patent Literature "Optimal Overbooking," by Arthur *et al.* (hereinafter Arthur) and Quick Stats, "NFL Tie-Breaker Procedures" (hereinafter Quick Stats), and further in view of U.S. Published Patent Application 2002/0082878 to Boies, *et al.* (hereinafter Boies).

Applicants respectfully disagree with the rejections and thus have not amended the claims.

### **Aspects of Applicants' Invention**

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by Claim 1, is a method for boarding passengers when seats on a commercial airline flight flown by a commercial airline are overbooked.

The method can include storing passenger data for each passenger booked on the flight; determining a number of passengers being overbooked and to be denied boarding; and determining denied boarding candidates for the flight. The candidates comprise

passengers without a seat and volunteers offering to give up their seat in exchange for an incentive. See, e.g., Specification, paragraph [0018].

The method also can include, for each determined denied boarding candidate, obtaining the corresponding passenger data including a frequent flyer status, a remaining flight ticket value, a rebooking cost, a passenger lifetime value, and customer relationship management data, and flight operations data including flight schedule and seat availability on the airline and competitor airlines; processing the passenger data and the flight operations data based on a set of rules including at least one among a rule for arranging the determined denied boarding candidates according to a descending revenue impact to the airline, a rule for arranging the determined denied boarding candidates according to passenger frequent flyer status, and a rule for arranging the determined denied boarding candidates according to a lifetime value of each passenger; and selecting passengers from the determined denied boarding candidates for boarding based on a result of the processing. See, e.g., Specification, paragraphs [0014]- [0018].

### **The Claims Define Over The Prior Art**

It was asserted in the paragraph bridging pages 6 and 7 of the Office Action that the fare amount the disrupted passenger previously paid for the disrupted flight suggests the remaining flight ticket value since the remaining ticket value refers to the ticket value remaining after the passenger has been denied boarding, and therefore disrupted. It was also asserted that the rebooking cost is represented in 0007; 0015, where it discloses minimizing the provider cost of moving passenger to a different airline, and also in [0046]-[0047], where it is shown that the process attempts to rebook the alternative itinerary in a lower fare class as that of the identified PNR.

As already discussed in the previous response, the actual fare amount the disrupted passenger previously paid for the disrupted flight is different from the remaining flight ticket value. For example, flights can comprise long legs and short legs, and the

remaining flight ticket value can be different depending on whether the remaining leg is long or short. It is not clear how the fare amount the disrupted passenger previously paid for the disrupted flight would suggest the remaining flight ticket value because the ticket value remaining after the passenger has been disrupted does not seem to be related to the fare amount the disrupted passenger previously paid for the disrupted flight.

It is noted that although Slivka mentions minimizing the provider cost of moving passenger to a different airline and rebooking the alternative itinerary in a lower fare class as that of the identified PNR, Slivka does not disclose taking the rebooking cost of each denied boarding candidate into consideration in deciding which candidates will be boarded when seats on a commercial airline flight flown by a commercial airline are overbooked. In addition, it is noted that rebooking an alternative itinerary in a lower fare class has nothing to do with the rebooking cost (for example, payments that may be required to another airline and the cost of meal and hotel reimbursements) in the sense of the present invention.

It was asserted in the second paragraph on page 7 of the Office Action that any difference between the recited cost data in the claims (a cost of the incentive and the cost of rebooking) and the cost data taught by Slivka (fare amount the disrupted passenger previously paid for the flight) is solely found in the non-functional descriptive material of the cost data since the amount the disrupted passenger previously paid for the flight includes cost of the incentive and cost of rebooking.

It is not clear how the amount the disrupted passenger previously paid for the flight includes cost of the incentive and cost of rebooking. As already discussed in the previous response, rebooking cost refers to payments that may be required to another airline and the cost of meal and hotel reimbursements, which are not included in the amount the disrupted passenger previously paid for the flight.

It was asserted in the paragraph bridging pages 7 and 8 of the Office Action that value established by airlines/ancillary services relate to passenger value as shown in

[0008] where ancillary commodities and relative passenger value are used to determine the impact of schedule changes and travel options for affected passengers.

As already discussed in the previous response, in Slivka the re-accommodation of the passengers takes into consideration of the total value of each passenger impacted by the disruption of a particular flight (including impact on flight tickets and other related services such as hotel and rental car reservations), which is not the same as the lifetime value of a passenger to a particular airline which is not necessarily related to the particular interrupted flight.

It was asserted in the second paragraph on page 8 of the Office Action that the passenger flow in relation to revenue management represents customer relationship management data since the passenger's relations are managed to influence revenue.

As already discussed in the previous response, Customer Relationship Management (CRM) is a specific term applied to processes implemented by a company to handle its contact with its customers. CRM data refer to all the information collected by the processes. Determination of the impact of schedule changes and operational disruptions on passenger flow may be a source of collecting information for the CRM data. However, Slivka does not disclose using already existing CRM data in deciding which candidates will be boarded when seats on a commercial airline flight flown by a commercial airline are overbooked.

The other cited references do not make up for the deficiencies of Slivka as discussed above.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1. Applicants therefore respectfully submit that Claim 1 defines over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

**CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

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/Gregory A. Nelson/

Gregory A. Nelson, Registration No. 30,577

Yonghong Chen, Registration No. 56,150

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000